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Chairman: Mr. Galušlea ..... (Czech Republic)

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The meeting was called to order at 10.15 a.m.

Agenda item 109: Advancement of women (*continued*) (A/C.3/54/L.13, L.15 and L.17/Rev.1)

Draft resolution A/C.3/54/L.13: Traditional or customary practices affecting the health of women and girls

1. **Ms. Tahzib-Lie** (Netherlands), introduced draft resolution A/C.3/54/L.13 on behalf of the sponsors and noted that Algeria, Barbados, Belarus, Brazil, Burkina Faso, Colombia, Côte d'Ivoire, Cuba, Egypt, Georgia, Guinea, Honduras, Iraq, Madagascar, Mongolia, Nigeria, Republic of Moldova, Saint Lucia, Sri Lanka, Swaziland, Ukraine and Uruguay joined in sponsoring the draft resolution. For the third year in a row the Committee had before it a draft resolution on the subject, and she expected that, as in the past, it would be adopted without a vote. The sponsors hoped that its adoption would contribute to the elimination of the practices condemned in it, particularly female genital mutilation; that would indeed be an important step towards the improvement of the status and health of women, gender equality and the empowerment of women. She recalled that the General Assembly would review progress made during its special session entitled "Women 2000: gender equality, development and peace for the twenty-first century".

Draft resolution A/C.3/54/L.15: Improvement of the situation of women in rural areas

2. **Ms. Otgontsetseg** (Mongolia) introduced draft resolution A/C.3/54/L.15 on behalf of the sponsors and noted that Benin, Ethiopia, Guinea, Kyrgyzstan and Sri Lanka wished to join the sponsors. Referring to the report of the Secretary-General on the improvement of the situation of women in rural areas (A/54/123), she noted that women contributed on average more than 70 per cent of the labour necessary for food production in sub-Saharan Africa, accounted for approximately 50 per cent of agricultural production in Asia and played a dominant role in fishing and agriculture in the Pacific region, the Middle East and North Africa. The Secretary-General had also pointed out that the role of women in agriculture had been greatly under-reported and that new comparative studies should be undertaken. The sponsors hoped that the draft resolution would be adopted by consensus as in the past.

Draft resolution A/C.3/54/L.17/Rev.1: Convention on the Elimination of All Forms of Discrimination against Women

3. **Ms. Eckey** (Norway), introduced draft resolution A/C.3/54/L.17/Rev.1 on behalf of the sponsors and said that Bhutan, Cyprus, Guatemala, Kyrgyzstan, New Zealand and Slovakia wished to join the sponsors. Her delegation welcomed progress made in the implementation of the Convention, in particular the adoption by the General Assembly of the Optional Protocol to the Convention and hoped that the draft resolution would be adopted without a vote.

Agenda item 107: Crime prevention and criminal justice (*continued*) (A/54/3, A/54/69-E/1999/8 and Add.1, A/54/289, 340, 368 and 417; A/C.3/54/2; A/C.3/54/L.3, L.4, L.5 and L.6)

Agenda item 108: International drug control (*continued*) (A/54/3, A/54/186, A/54/293-E/1999/119, A/54/314-S/1999/942 and A/54/368; A/C.3/54/L.7)

4. **Mr. Kazykhanov** (Kazakhstan) said that organized crime and drug trafficking, aided and abetted by corruption, posed a serious threat to humankind. Flourishing international criminal activity was having an adverse effect on relations between States and no State could alone eliminate that scourge, which recognized no borders. Cooperation must therefore be universal and the United Nations had a major role to play in the fight against organized crime.

5. His delegation was convinced that an international convention against transnational organized crime would be an effective international legal instrument for Member States in their common struggle, and he hoped that preparatory work would be completed by 2000. The additional protocols to the convention must become an effective mechanism to complement the activities undertaken by States to suppress the most dangerous types of offence. The Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would give a powerful impetus to the efforts of the international community to combat crime and define strategic directions for the twenty-first century.

6. Recognizing that crime and drug trafficking were threatening democratization and liberalization, the President of Kazakhstan had stated that the fight against corruption and tax evasion was one of the most important tasks ahead. The State Anti-corruption Commission and the Ministry of State Revenues had been granted wide-ranging powers for that purpose; the new Criminal Code and other legislation

developed in accordance with international standards, formed the legal basis for the anti-crime activities of national law enforcement bodies.

7. It was essential to strengthen international cooperation in the area of the prevention and elimination of corruption. Measures to combat the corruption associated with organized crime must be included in the draft convention against transnational organized crime. The workshop on combating corruption to be organized in conjunction with the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders would be a welcome and timely event.

8. Action to combat violence against women was one of the priorities set out in his Government's policy to advance the status of women. It was encouraging to see that the problems of crime and criminal justice were being examined from a gender perspective, as illustrated in the Secretary-General's report on the elimination of violence against women (A/54/69-E/1999/8). The workshop on women in the criminal justice system during the Tenth Congress would provide very useful practical information concerning crimes committed by women.

9. Organized crime currently threatened regional as well as international security and the Declaration on the Principles Guiding Relations among the States Members of the Conference on Interaction and Confidence-Building Measures in Asia (CICA), contained in document A/54/368, adopted on 14 September 1999, had stressed the need to strengthen cooperation in social fields such as the fight against drug trafficking, drug abuse and organized crime. The participants at the Summit of Heads of State of the "Shanghai Five" (China, Kazakhstan, Kyrgyzstan, Russia and Tajikistan) had discussed, *inter alia*, international crime issues and had declared in their final document that effective measures must be taken to fight against international crime in all its forms. The decisions taken at that meeting provided the basis for cooperation among the competent authorities of the States in question.

10. At its fifth high-level meeting in May 1998, the Economic Cooperation Organization (ECO), which provided a framework for cooperation in combating crime, had called on its member States to work together to combat the smuggling of narcotics and psychotropic substances and had adopted plans to train drug control experts.

11. States members of the Commonwealth of Independent States (CIS) were coordinating their efforts on the basis of the interstate programme of joint measures to combat organized crime in the CIS countries up to the year 2000, which the representative of Belarus had described in detail at a previous meeting of the Committee. Kazakhstan was also a party to multilateral legal assistance treaties.

12. In conclusion, he said he hoped that the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and the adoption of new international legal instruments would help to strengthen efforts to combat crime.

13. **Mr. Nuanthasing** (Lao People's Democratic Republic) cited some of the statistics provided by the Executive Director of the United Nations International Drug Control Programme (UNDCP) and described several of his Government's activities. In particular, he mentioned the creation in the early 1990s of a National Commission for Drug Control and Supervision and a Counter-Narcotic Office; an amendment to article 135 of the Penal Code to provide more severe penalties for drug trafficking; and the launching of many development projects. As a result of those initiatives, illicit opium production had fallen from 140 tons in 1996 to 123 tons in 1997. In 1998, 405 offenders had been arrested and large quantities of various drugs had been seized. His Government was making every effort to combat opium production at the national, regional and international levels and to strengthen its cooperation with other countries and with international organizations. In preparation for Expo 2000 in Hanover, Germany, an international jury had selected five projects, including one developed by his country with UNDCP assistance, the purpose of which had been to reduce opium poppy growing in the Palaveck region. As a result of that fruitful cooperation, opium production had fallen from 3.5 tons to less than 100 kilograms; the region, previously rice-deficient, currently had a rice surplus; and the living conditions of its 6,000 inhabitants had greatly improved.

14. In May 1999, his Government and UNDCP had signed a historic agreement that represented a breakthrough in efforts to eliminate a major source of opium production in Asia and had enabled his Government and the donors to address openly a development issue that was closely related to poverty and drug consumption in the north of the country. The UNDCP strategy was to invest $80 million over a six-year period in the opium growing districts of his country and to support ongoing and new projects. His Government was determined to translate that programme into reality with the help of UNDCP and the international community. It was also committed to eradicating illicit opium production and consumption, to cooperating with UNDCP and to achieving the goals that had been set. Because the well-being of many other countries depended on its success, his Government called on the international community to support the

to be made between terrorism and a people's legitimate right to fight foreign occupation. The latter was a right recognized by international instruments such as General Assembly resolution 46/51 and the Charter of the United Nations. His delegation condemned terrorism in all of its forms and pointed out that his country was itself a victim of terrorism as a result of the Israeli occupation and Israeli attacks in the south of Lebanon.

18. **Mr. Bocalandro** (Argentina) condemned all forms of terrorism and stressed that the fight against terrorism was an internal, criminal matter. Human rights violations were the result of acts by States and their agents. While supporting efforts to fight the scourge of terrorism, his delegation had been obliged to abstain because the draft resolution, in equating terrorist acts with human rights violations, conferred upon terrorism undue legitimacy.

19. **Mr. Sulaiman** (Syrian Arab Republic) reiterated his delegation's condemnation of all forms of terrorism, which were criminal acts that violated the territorial integrity and sovereignty of States. His delegation had nevertheless abstained during the voting. He regretted that the draft resolution made no reference to General Assembly resolution 46/51 which had been adopted by consensus, or relevant resolutions of the Commission on Human Rights. He stressed the need to develop a definition of international terrorism which was acceptable to all States. He reiterated that the Charter of the United Nations, the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations and other international instruments guaranteed the legitimate right of peoples to struggle against foreign occupation. He stressed that there must be a distinction made between terrorism and that just struggle, without which any discussion of terrorism was pointless.

20. **Mr. Gallagher** (United States) regretted that his delegation had been obliged to abstain. He stressed his Government's commitment to the fight against terrorism and to international cooperation in that area. Regrettably, however, the draft resolution, in describing terrorist acts as violations of human rights, gave terrorism undue legitimacy. Terrorists were not States, they were criminals who had to be held responsible for their actions. He further suggested that discussions of terrorism were better suited to other forums, such as the Sixth Committee.

21. **Mr. Tapia** (Chile) said that his delegation had been obliged to abstain. He stressed that only States or their agents could be held responsible for violations of human rights whereas terrorist acts were crimes to be punished by internal criminal codes. Any attempt to assimilate terrorist acts to human rights violations could weaken the application of domestic criminal law.

22. **Ms. Monroy** (Mexico) strongly condemned terrorism in all its forms. Terrorism could damage the stability of States and she recognized that terrorist acts could give rise to situations where it was difficult to protect human rights. Nevertheless her delegation was concerned at the apparent link in the draft resolution between terrorist acts and human rights violations. She stressed that terrorist acts were simply criminal acts. That distinction should be made clear in the international community's efforts to combat terrorism. Her delegation had therefore been obliged to abstain.

23. **Mr. Wenaweser** (Liechtenstein) stressed the need to fight terrorism and supported the efforts of the Sixth Committee in that area. The draft resolution was not a satisfactory reflection of the complex nature of the question. It did not distinguish between States or their agents and other actors. In addition, he would have preferred that the fourteenth preambular paragraph should be deleted since it implicitly referred to international norms dealing with refugees. Failing deletion, there should at least be a reference to the principle of non-refoulement. His delegation had therefore abstained.

Draft resolution A/C.3/54/L.67: Protection of migrants

24. **The Chairman** informed the Committee that the draft resolution had no programme budget implications and noted that Algeria wished to be added to the list of sponsors.

25. **Mr. Albin** (Mexico) noted with regret that one delegation had expressed concerns about the tenth preambular paragraph. He stressed that the paragraph simply referred to an advisory opinion of an important human rights body in his region, and was relevant to the subject of the draft resolution. He hoped that the draft resolution would be acceptable to all delegations and that it would be adopted without a vote.

26. **The Chairman** informed the Committee that a separate recorded vote had been requested on the tenth preambular paragraph of the draft resolution.

27. *A recorded vote was taken.*

In favour:

Algeria, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Bahamas, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bolivia, Bosnia and Herzegovina, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Cambodia, Cameroon, Canada, Cape Verde, Chad,

Chile, Colombia, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Finland, France, Gambia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Hungary, Iceland, Ireland, Italy, Japan, Jordan, Lao People's Democratic Republic, Latvia, Libyan Arab Jamahiriya, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mauritius, Mexico, Monaco, Morocco, Mozambique, Namibia, Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Saint Kitts and Nevis, Saint Lucia, Saint Vincent and the Grenadines, Samoa, San Marino, Senegal, Slovakia, Slovenia, Solomon Islands, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Thailand, The former Yugoslav Republic of Macedonia, Togo, Tunisia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Venezuela, Viet Nam, Yemen, Zambia, Zimbabwe.

Against

United States of America.

Abstaining:

Azerbaijan, Bhutan, China, Estonia, Georgia, India, Indonesia, Jamaica, Kenya, Madagascar, Malaysia, Marshall Islands, Micronesia (Federated States of), Myanmar, Nepal, Pakistan, Sierra Leone, Singapore, Trinidad and Tobago.

28. *The tenth preambular paragraph of draft resolution A/C.3/54/L.67 was adopted by 121 votes to 1, with 19 abstentions.*

29. **The Chairman** said he took it that the Committee wished to adopt the draft resolution, as a whole, without a vote.

30. *Draft resolution A/C.3/54/L.67, as a whole, was adopted.*

31. **Mr. McCamman** (United States) said he regretted that it had been necessary to request a vote on the tenth preambular paragraph and that his delegation had been obliged to vote against it. He strongly supported the Committee's efforts to improve the conditions of migrant workers and the fundamental goals of the draft resolution. Unfortunately the main sponsor had included a reference to a recent decision of the Inter-American Court of Human Rights in an advisory proceeding initiated by the main sponsor. That proceeding concerned the death penalty and the Vienna Convention on Consular Relations. He noted that the States party to the Vienna Convention had not charged the Inter-American Court of Human Rights, which was not a United Nations body, with the interpretation of the Convention. The proceeding before the Inter-American Court had unquestionably been directed against the United States. Nevertheless the Court had issued its decision in Spanish only and the United States had not even had a fair opportunity to read and evaluate the decision. He could not, therefore, agree to take note of that decision as stated in the tenth preambular paragraph.

32. **Ms. Chan** (Singapore) expressed her delegation's concern with the first part of paragraph 3, which called upon States to review and revise immigration policies with a view to eliminating all discriminatory practices against migrants. She noted that migrants in Singapore enjoyed the same protection under the law as citizens, and in some cases enjoyed more protection than citizens.

33. Singapore had a large, heterogenous population relative to its very small land area. An uncontrolled influx of immigrants, whether permanent or temporary, would lead to extensive social and economic disruption. She therefore believed that immigration policy should be a domestic issue within the sovereign jurisdiction of each State, which would develop its policy based on its own particular circumstances. In the interests of harmony her delegation had nevertheless joined in the consensus on the draft resolution but reserved the right to take up the issue in the future.

Draft resolution A/C.3/54/L.72: Situation of human rights in Cambodia

34. **The Chairman** said that the draft resolution contained no programme budget implications.

35. **Ms. Newell** (Secretary) read out the oral corrections made to the draft resolution by the representative of Japan on behalf of the sponsors at the time of its introduction. She also read a statement submitted by the Controller informing the Committee that, with reference to paragraph 1 of the draft resolution, resources for the operation of the Office of the High Commissioner in Cambodia and the coordination of the geographic desks had been included in the relevant section of the proposed programme budget for 2000-2001. The same applied, *mutatis mutandis*, to draft resolution A/C.3/54/L.78 (which would be considered later in the meeting) in respect of paragraph 5, concerning emergency preparedness and response mechanisms.

36. In that context, the Controller also drew attention to General Assembly resolution 45/248, part B VI.

as a transit country; hence the importance of cooperation with neighbouring countries.

38. In Qatar drug addicts were considered to be victims rather than criminals and the focus was consequently more on prevention and rehabilitation than on repression (including through the establishment of treatment centres and the launching of awareness campaigns).

39. The drug problem had assumed alarming proportions, so much so that profits from drug trafficking and money-laundering exceeded the gross national product (GNP) of a good many States.

40. In order to tackle the problem, many States, Qatar included, had promulgated laws specific to their traditions and national sensitivities; those laws provided, *inter alia*, for the death penalty. That was in line with article 6 of the International Covenant on Civil and Political Rights; the penalty was moreover, just and necessary to ensure respect for the right of victims and it was necessary to enable countries to live in peace and security. He was surprised that the European Union had submitted a draft resolution which would not enjoy consensus. The European Union and its member countries had the right to pass legislation in accordance with their beliefs, but that legislation would not be practicable at the international level. The European Union's proposal amounted to interference in the internal affairs of other States and an infringement of their sovereignty. His delegation strongly hoped that the European Union, out of concern for consensus and respect for diversity, would withdraw its draft resolution and not seek to impose its culture and beliefs on others.

41. Trafficking in women and children (for the purpose of sexual exploitation or slavery) and corruption constituted further manifestations of transnational crime which had caused all States to pass laws. Countries maintaining the death penalty in order to tackle such scourges needed to do so in order to protect society and respect the rights of victims.

42. **Ms. Tohtohodjarva** (Kyrgyzstan) pointed out that at the dawn of the twenty-first century and in an era of globalization, international cooperation was more necessary than ever to the resolution of such complex problems as drug trafficking.

43. Drug trafficking and the associated problem of organized crime had also affected Central Asia and was threatening the political and social stability of the region's countries and of the international community as a whole.

44. Armed factions associated with drug syndicates had infiltrated southern Kyrgyzstan, and although they had lately withdrawn to Tajikistan, strengthened international cooperation was needed to deal with that type of situation. To that end, the establishment of an international database providing access to research results, to international instruments on drug trafficking and corruption and to best practices would be an excellent initiative.

45. Links between the various mechanisms for tackling transnational organized crime should be strengthened. Research could help uncover criminal associations and provide reliable data on new modalities of international crime. Kyrgyzstan thus supported the proposal of the United Nations Crime Prevention and Criminal Justice Programme regarding the preparation of a biennial report on organized crime in the field of narcotic drugs.

46. Regional cooperation efforts were under way in Central Asia. In September 1999, the first organizational session of the intergovernmental committee to combat illicit trafficking in narcotic drugs and drug addiction of the Central Asian Economic Community had been held at Bishkek. Measures had been taken to strengthen cooperation and to create a common legislative base. Kyrgyzstan was cooperating with the United Nations Drug Control Programme (UNDCP) and had recently signed an agreement to that end. The Executive Director of the United Nations Office for Drug Control and Crime Prevention had recently visited the country. Kyrgyzstan attached great importance to the participation of the Executive Director at the second meeting of signatories to the Memorandum of Understanding on cooperation between Central Asian countries in combating drugs; the meeting had ended with the signing of a protocol on strengthening cooperation between those countries and on the Office's support for their activities.

47. **Ms. Faetanini** (San Marino) said that the General Assembly, at its twentieth special session, had stressed that drug supply and demand were closely linked and had placed the drug problem in its true perspective by emphasizing its social, economic and political implications.

48. Judicial cooperation among States was crucial to combating the illegal drug trade, a $400 billion business in which money was laundered through the financial and banking system. In order to tackle the problem, San Marino had, in 1995, signed the European Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime.

49. As the major consumers of illicit drugs, industrialized countries would do well to refer to the Declaration on the Guiding Principles of Drug Demand Reduction, which represented the first international agreement in that field. In view of the devastating consequences of narcotic drugs,

which were consumed by some 200 million users around the world, measures to tackle the problem should not be delayed any longer. In particular, a preventive culture should be built, involving schools families and communities. The work carried out by UNDCP in the field of prevention and the international campaign for a drug-free twenty-first century should be commended.

50. Nonetheless, demand for drugs continued to grow. In order to improve prevention strategies, it was necessary to understand the root causes of such a pattern of self-destruction and to determine the underlying logic, which resisted all rational explanation. Indeed, as long as demand persisted, the eradication of drugs would be a Sisyphean task.

51. In San Marino, as in other developed countries, the high standard of living seemed to encourage consumption of so-called recreational drugs such as ecstasy. Control of such amphetamine-type stimulants — which were spreading rapidly — was complicated by the fact that anyone could produce them anywhere. In 1998, her Government had accordingly hosted an international expert level meeting on drug consumption in recreational areas.

52. Drug addiction represented a very human answer to very human difficulties. The Commission on Narcotic Drugs, at its forty-second session, had identified the following problems: unemployment, neglect, violence and sexual abuse. Indeed, the list might well have included abuse of any kind, poverty and armed conflict. However, in the case of socially integrated youth, it must be humbly acknowledged that there was, as yet, no satisfactory answer.

53. In order to better counteract the problem of drug consumption, it seemed crucial to involve those men and women who had once been drug abusers. Their contribution would be particularly valuable to experts studying demand reduction strategies and the causes of drug abuse. Her delegation believed that if the emphasis was placed on condemnation and criminalization — rather than on rehabilitation and reintegration — it would not be possible to enlist the help of drug abusers in eradicating drug demand.

54. **Mr. Rabuka** (Fiji) said that, in an increasingly interdependent world, the porosity of national borders created new risks of terrorism and corruption and could even threaten sovereignty. The enormity of such threats called for a collective response from the international community.

55. The Government of Fiji had expended considerable resources on various measures to reduce the supply of and demand for illicit drugs. The police, the Ministry of Education and non-governmental organizations had been involved in educational programmes targeted specifically at young people. Crime prevention committees, in which the chiefs participated, had been established to address the problem of the cultivation of marijuana. Since 1990, those guilty of illegal possession of drugs were subject to mandatory imprisonment.

56. On 25 September 1999, Fiji had held its first "Crime Free Day", with programmes designed to increase awareness of crime and the role of the police, parents, teachers, churches and youth organizations in preventing criminal activities.

57. Fiji was aware that criminal organizations used their strategic location in order to carry out illegal activities. Accordingly, the Government had enacted legislation on mutual assistance in criminal matters and on the proceeds of crimes; it had also signed agreements on such matters with the Governments of Australia and New Zealand.

58. Anxious to ensure good governance and transparency in public administration, the Government was studying the possibility of establishing a permanent anti-corrupt practices commission.

59. His delegation wished to draw attention to the close relationship between poverty and unemployment, on the one hand, and drug trafficking and abuse, on the other, as it had already done during the fifty-third session. Without sustainable development, no programme to combat illicit drugs could be effective. Consequently, it was essential that the international community should address the root causes of the economic difficulties of developing countries.

60. The small Eastern Caribbean island States had been accused of being a money-laundering centre because one third of the $8 trillion deposited in offshore banking havens had been invested there. It was true that, owing to the decline in the banana industry, those countries needed other sources of revenue, but not all the money that was invested in them was illegal money — far from it. The international community should adopt a more balanced attitude: it should not ignore the economic problems of the small island developing States while reproaching them for seeking other sources of financing.

61. **Mr. Ben Shaban** (Libyan Arab Jamahiriya) said that the drug problem was a growing concern and that the solution required the international community to increase its efforts to prevent drug production and consumption.

62. Preventive action (education and information) was required in order to reduce demand, and drug addicts should be rehabilitated. To reduce the supply, illegal crops should be destroyed, international cooperation for developing

58. *Draft resolution A/C.3/54/L.78, as orally revised, was adopted.*

59. **Mr. Bhattacharjee** (India) said that his delegation had joined the consensus on the draft resolution, but considered that paragraph 5 should have been updated to reflect the fact that the United Nations Development Programme (UNDP) had been engaged in disaster prevention for the past two years. Moreover, although humanitarian assistance and human rights were mutually reinforcing, they should be kept separate.

(c) Human rights situations and reports of special rapporteurs and representatives (*continued*) (A/C.3/54/L.59, L.81, L.82, L.86, L.87/Rev.1 and L.96-L.98)

Draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

60. **Mr. Carle** (United States of America) introduced the draft resolution on behalf of the original sponsors and of Australia, Bosnia and Herzegovina, Japan, Pakistan and Poland. The sponsors wished to make a number of changes to the published text: in paragraph 13, the words "the rights of" should be inserted between the words "of" and "persons"; in paragraph 40, the words "and of the Government of the Republic of Serbia" should be inserted between the words "Montenegro)"and "or"; and in paragraph 41, the words "and of the Government of the Republic of Serbia" should be inserted between the words "Montenegro)"and "indicted".

61. The draft resolution was relevant to the United Nations community and to the three countries mentioned in its title because building peace was always a most arduous task. The draft resolution represented an opportunity to help guide international efforts at building healthy, multi-ethnic democracies in the three countries and to maintain the United Nations community's involvement with them; it would also concentrate the countries' Governments on areas where their unfortunate recent histories continued to distort their societies.

62. Considering all three countries together was reasonable, as they were all signatories to the Dayton Peace Agreement and had all been parts of the former Yugoslavia. However, they had sharply varied records. Progress had been made in Bosnia and Herzegovina and the Republic of Croatia regarding their human rights situations. Tragically, the Federal Republic of Yugoslavia (Serbia and Montenegro) continued to ignore its obligations flowing from the Peace Agreement and to abuse its own people's rights. Worse still, the regime of President Milošević had turned a crisis of its own making into a tragedy of historic proportions. To cite only a few examples from a long list of outrages, during the past year the Milošević regime had engaged in Kosovo in a policy of mass deportation, arson and shelling and systematic seizures of documents whereby it had cynically turned citizens into non-citizens. It was for that reason that President Milošević and other officials of the Federal Republic of Yugoslavia (Serbia and Montenegro) had recently been indicted by the International Criminal Tribunal for the Former Yugoslavia, and the draft resolution rightly called for them and all other indictees to be brought to justice: if that did not happen, improvement of human rights in the region would be impossible.

63. An amendment dealing with sensitive points that the Third Committee did not normally have in its mandate had been proposed to the draft resolution in the belief that citing a clause from the corresponding resolution of the previous session would improve the text. That was a serious error. Much had happened in the past year, most of it bad, and the situation in Yugoslavia was no longer what it had been in November 1998. To include the amendment would be to infringe the prerogatives of the Security Council. The Security Council had, in its sensitive and carefully agreed resolution 1244 (1999), made clear that in the long term Kosovo's status would be a matter to be decided under United Nations auspices. To include the proposed amendment would, by suggesting a contrary process, subtly pervert the guidelines and agreement embodied in the Security Council resolution and endanger the United Nations effort to build a successful multi-ethnic society in Kosovo. It would also comfort the Milošević regime by implying that the international community was backing away from its commitments in that resolution. The Committee must not inadvertently grant to that regime what the Security Council had taken such care to guard against. It must therefore reject the amendment.

Draft resolution A/C.3/54/L.87/Rev.1: Situation of human rights in Rwanda

64. **Mr. Norfolk** (Canada) introduced the draft resolution on behalf of his own country and of Australia, Japan, New Zealand and the United States, which had joined as sponsors. The text recognized that the Rwandan authorities were endeavouring, in a very difficult environment, to improve the human rights situation in the country and urged not only them, but also the international community to continue in that vein. Following negotiation and agreement with

Rwanda, the sponsors wished to make a number of changes to the published text of the draft resolution.

65. Paragraph 8 should be revised to read:

> "*Notes* improvements in the human rights situation in Rwanda since the last session of the General Assembly, expresses concern at those violations of human rights that are reported, and urges the Government of Rwanda to continue to investigate and prosecute such violations;".

66. Paragraphs 15 and 17 should be deleted; in paragraph 18, the phrase "to address weakness in legislation" should be deleted; paragraph 19 should be revised to read:

> "*Encourages* the Government of Rwanda, other international organizations and non-governmental organizations to provide, within a mutually agreed framework of cooperation, support for the reconstruction of a human rights infrastructure;";

and paragraph 25 should be deleted.

Amendment in document A/C.3/54/L.96 to draft resolution A/C.3/54/L.86: Situation of human rights in Bosnia and Herzegovina, the Republic of Croatia and the Federal Republic of Yugoslavia (Serbia and Montenegro)

Amendments in document A/C.3/54/L.97 to draft resolution A/C.3/54/L.82: The situation of human rights in Kosovo

67. **Mr. Zmeevski** (Russian Federation) said that he wished to introduce the amendments in documents A/C.3/54/L.96 and L.97 together.

68. His delegation was proposing amendments to draft resolution A/C.3/54/L.82 because, regrettably, the operative part of the draft resolution was not free from reproach. He understood that the authors of that text were looking to the future. It should not be forgotten, however, that history contained many examples of the tragic consequences of arbitrarily altering universally recognized boundaries and calling in question the principle of the territorial integrity of States, the principle on which, for example, the pan-European Helsinki Process was based. The amendments that his delegation was proposing sought to preserve that principle and virtually reproduced provisions of Security Council resolution 1244 (1999). The principle of territorial integrity was fundamental to the resolution of the Kosovo situation; ignoring it would jeopardize the possibility of a solution, as well as peace and security in the region as a whole, and might, therefore, do irreparable harm to human rights in Kosovo and in the Federal Republic of Yugoslavia as a whole.

69. Similar considerations had motivated his delegation's proposed amendment to draft resolution A/C.3/54/L.96, which reproduced in full the fourth preambular paragraph of General Assembly resolution 53/163 on the former Yugoslavia.

70. He expressed surprise that the delegation of the United States had apparently gone against the Committee's established practice by commenting on one of his country's amendments before it had been introduced.

Amendments in document A/C.3/54/L.98 to draft resolution A/C.3/54/L.81: Situation of human rights in the Sudan

71. **Mr. Gallagher** (United States of America) withdrew the proposed amendments submitted by his delegation in document A/C.3/54/L.98.

72. **The Chairman** invited the Committee to take action on draft resolution A/C.3/54/L.59, which contained no programme budget implications, and noted that Liechtenstein and Malta had joined the sponsors.

73. **Mr. Naber** (Jordan), making a general statement on the draft resolution before the vote, said that in order to achieve international consensus on human rights, the comprehensive nature of those rights must be affirmed, ensuring that they were enjoyed by all persons, regardless of their gender, origin, religion, political affiliation or any other distinguishing characteristics.

74. The world had achieved great progress in the previous half century in strengthening, promoting and ensuring the widespread protection of human rights through the adoption of international human rights instruments and the exertion of the necessary political will for their implementation. Human rights issues in all States represented the legitimate interests of the international community.

75. International monitoring of human rights standards touched upon a sensitive issue relating to the principle of sovereignty of States. That principle could not, however, be used to legitimize coercive treatment of human beings, including behaviour that demonstrated contempt for the dignity of individuals or denied them their rights as guaranteed under international law.

76. If human rights standards constituted the basis of justice in the world, the process of monitoring their application should be objective and accurate. Accountability should be based on agreed standards and norms, promoted and developed by all individuals, groups and States through a process of constructive and ongoing dialogue.

into account the differing legal systems. It had been in that spirit that Colombia had participated in the Vienna meetings of the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime and of associated protocols.

85. On the subject of that convention, his delegation had four observations to make.

86. First, it was important to clearly define the term "transnational organization" and to determine if application of the Convention would depend on whether the crimes defined therein presupposed the existence of such an organization; without such clarification the Convention's scope of application could be restricted.

87. Second, it was important to introduce a mechanism for conflict resolution based on solid legal criteria in order to avoid jurisdictional conflicts.

88. Third, three protocols had been annexed to the Convention. He welcomed the decision of the Commission on Crime Prevention and Criminal Justice to expand the scope of the protocol on trafficking in women and children to include traffic in all human beings. With regard to the protocol on the illicit manufacture of and trafficking in firearms, he noted the possibility of referring to a similar convention that had been adopted some time previously in Latin America. In any case, a protocol would be insufficient by itself; it was also necessary for States to adopt national legislation in the matter. As for the protocol on the illegal transport of and trafficking in migrants, its utility was borne out by the figures: 4 million illegal migrants and $7 billion in illegal profits each year. Nevertheless, it was important that the protocol should not penalize the migrants themselves, who were the victims of the traffic, but rather the criminal organizations involved. Moreover, mechanisms to facilitate the repatriation of victims should be implemented.

89. Finally, his delegation strongly favoured the adoption of an international legal instrument to combat corruption that could be modelled on the Inter-American Convention already in force. In that regard, the Centre for International Crime Prevention could play an important role in helping to strengthen national institutions. Fortunately, voluntary contributions from Governments had allowed a considerable increase in its budget.

90. **Mr. Alaei** (Islamic Republic of Iran) recalled that the new forms of criminality made possible by advances in science, technology and communications had spurred the United Nations to increase its efforts to combat the phenomenon, by establishing the Ad Hoc Committee on the Elaboration of an International Convention against Transnational Organized Crime, which was also drafting three protocols. His delegation was of the view that the remaining divergences of opinion among States on the topic of the Convention and its protocols were due to the fact that certain States lacked the material and human means to ensure its implementation. Development of technical cooperation activities to assist developing countries to implement their national and international commitments deserved greater international attention.

91. His delegation was of the view that it would not be possible to insist that the death penalty be abolished in all societies and all regions, as each country had the inviolable right, in accordance with the principles of international law, to freely choose its own criminal justice system as long as it respected the commitments it had undertaken in the framework of international human rights instruments.

92. It attached great importance to the work of the United Nations Crime Prevention and Criminal Justice Programme and to the work of the Centre for International Crime Prevention, while at the same time emphasizing the need to maintain a certain balance in the Programme between issues of transnational organized crime and other more general issues; it welcomed the discussions of such issues as corruption, juvenile justice and crime prevention during the eighth session of the Commission on Crime Prevention and Criminal Justice.

93. Iran favoured the strengthening of the capacities of the Centre for International Crime Prevention, and noted with interest the global programmes against corruption and trafficking in human beings and the global studies on transnational organized crime.

94. His delegation welcomed efforts to give greater specificity to the topics of the tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, and also welcomed the preparation of a single draft declaration; it emphasized, however, that efforts should be made to allow for the widest possible deliberation on resolutions and decisions of the Congress.

95. **Mr. Bhatti** (Pakistan) recalled that while globalization had brought enormous economic and social benefits to millions of people, it had been accompanied by an increase in the illicit traffic in drugs, human beings, weapons and money-laundering and the integration of criminal organizations from different parts of the world. Each year, transnational organized crime took in some $1.5 trillion, while money-laundering alone involved some $300 to $400 billion.

96. International cooperation was necessary in order to combat that scourge efficiently. Pakistan hoped that the Ad Hoc Committee on the Elaboration of a Convention against Transnational Organized Crime would be able to complete its work by the beginning of the year 2000, with the cooperation and realism of the participating countries.

97. It was essential that criminals be prosecuted and punished in order to ensure the security of property and the preservation of social order. It was up to States to adopt legislation suitable to their national cultures and to prosecute and punish criminals in accordance with domestic legislation through due process of law. Pakistan respected the decision of the countries that had abolished the death penalty, but trusted that those countries would respect the decision of those which had opted for legislation adapted to their own national conditions and cultures. In view of the diversity of cultures, it was natural that different societies should have differing views on issues of crime prevention and criminal justice; that should not inhibit international cooperation to combat organized crime, with full respect for the sovereignty of States and the principle of non-interference in internal affairs and mutual respect.

The meeting rose at 12.50 p.m.